



Judicial Council of California
Court Interpreters Advisory Panel Meeting
 Administrative Office of the Courts, Judicial Council Boardroom
 February 9, 2006
Meeting Minutes

<p><i>Panel Members Present</i> Hon. Kathleen E. O'Leary Hon. Susan M. Breall Hon. Dan Thomas Oki Ms. Judy Arasé Mr. John K. Johnston Ms. Rosa Junqueiro Mr. Sean E. Lillywhite Ms. Maria "Angie" Murphy Ms. Radha Zaidi</p> <p><i>Advisory Members Present</i> Mr. Mark A. Arnold Ms. Susan S. Eadie Mr. Nestor O. Wagner</p> <p><i>Trial Court Presiding Judges Advisory Committee Liaison</i> Hon. George C. Hernandez, Jr.</p> <p><i>Panel Members Absent</i> Ms. María Gálvez</p>	<p><i>Administrative Office of the Courts Executive Office</i> Mr. Ronald G. Overholt</p> <p><i>Executive Office Programs</i> Mr. Kenneth L. Kann Ms. Dianne Bolotte Ms. Lucy Smallsreed</p> <p><i>Labor and Employee Relations Unit</i> Mr. Scott Gardner</p> <p><i>Court Interpreters Program</i> Ms. Berta Alicia Bejarano Ms. Debbie Chong-Manguiat Mr. Mark Garcia Ms. Sherry Goodman Mr. Cannon Han Mr. Daniel Perry Ms. Patricia Rivera Ms. Elizabeth Tam Ms. Lisa Werblun Ms. Janette Zupnik</p> <p><i>Others Present</i> Mr. Arturo Cásarez, President of California Court Interpreters Association (CCIA) Mr. John Hedderson, Walter R. McDonald and Associates, Inc. (WRMA) Ms. Judy Rothschild, WRMA</p>
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I. Call to Order

Mr. Ronald G. Overholt, Chief Deputy Director of the Administrative Office of the Courts (AOC), called the meeting to order at 10:32 a.m. and welcomed to the meeting all participants on behalf of himself and Mr. William C. Vickrey. Mr. Overholt spoke about the importance of language access within the court system. He introduced the new chair, Justice Kathleen E. O’Leary, to the panel, as it was her first Court Interpreters Advisory Panel (CIAP) meeting.

A. Introductions

Justice O’Leary introduced herself and stated that it was a privilege to be part of this committee. She also talked about her role as chair of the Task Force on Self-Represented Litigants, about non-English speaking litigants in the courtroom, and about the importance of access to all in the courts and of the role that everyone plays within the CIAP.

Mr. Kenneth Kann introduced himself as acting director of the Executive Office Programs (EOP) Division and successor to Ms. Pat Sweeten. Mr. Kann reported that the Court Interpreters Program (CIP) is now included within EOP and spoke about the role of EOP to provide services to the trial courts in areas of innovative practices, research, strategic and operational planning, administrative work of the presiding judges advisory committees and the Court Executives Advisory Committee, and Court Services Planning. To further understand the charge of the panel, Mr. Kann pointed to the mission statement and rule 6.51 of the California Rules of Court. He explained that CIAP is a body that recommends statewide policy to the Judicial Council in matters of the need and uses of court interpreters. He stated that the panel is responsible for the policy of testing; interpreter certification policies; statewide recruitment, training, and education of interpreters; and language access in the courts. Mr. Kann mentioned that the topics outside of CIAP’s charge are independent contractor issues, labor and employment issues, memorandum of understanding (MOU) agreements, and individual employment and contract issues. Mr. Kann stated that there are separate processes and other panels that address these concerns. He then introduced Mr. Mark Garcia, supervising court services analyst of CIP.

CIAP members and CIP staff introduced themselves.

Mr. Garcia also introduced Mr. Scott Gardner, manager of the Labor and Employee Relations Unit. Mr. Gardner stated that though he understood that CIAP’s role is not to address labor and employment issues, he is here to provide comment to the panel and assist it in steering clear of those labor and employee relations matters.

B. Meeting Assignments

Mr. Cannon Han was named timekeeper for the meeting.

Mr. Daniel Perry was named assignment keeper for the meeting.

C. Approval of the Previous Meeting's Minutes

Ms. Judy Arasé noted that on page 7, item 8, under Education & Testing subcommittee “sight” translation should be spelled “sight” not “site” and it appears four times thereafter.

Motion. A motion was made to correct and approve the meeting minutes of the September 6, 2005 meeting.

Second. The motion was seconded. Minutes were approved.

Motion passed.

II. Presentations From the Public

California Court Interpreters Association

Mr. Arturo Cásarez, president of California Court Interpreters Association made a five-minute presentation on the importance of the 2005 language study and the recruitment and retention of qualified court interpreters. He reported that between the years 1995 and 2005 the state lost 35% of its Spanish court interpreters an alarming figure, as the number one task of CIAP should be recruiting and retention of interpreters. Mr. Cásarez suggested recruiting and setting up programs in California high schools, in order to shape more students into qualified interpreters. Factors that contribute to the decline of qualified court interpreters are competitive rates offered in other interpreting fields such as medical interpreting and the private sector, and the fallout of Senate Bill 371. Mr. Cásarez emphasized the need for independent contractors to have an avenue to discuss such labor issues.

III. Presentation of 2005 Language Need and Interpreter Use Study

Ms. Elizabeth Tam reported that Government Code section 68563 requires the Judicial Council to conduct a study of language and interpreter use every five years and to report its findings and recommendations to the Governor and Legislator. Ms. Tam introduced Mr. John Hedderson and Ms. Judy Rothschild of Walter R. MacDonald and Associates, Inc. who will be presenting the *2005 Language Need and Interpreter Use Study*.

Mr. Hedderson reported that California has the most foreign-born residents in the United States, with 8.9 million reported in the 2000 census. He added that the study has been conducted three times, in 1995, 2000, and 2005. The first two studies used information collected from court surveys. This study offered a new source of data, the Court Interpreter Data Collection System (CIDCS), which provided a more solid basis of conducting the analysis. The study was supplemented by interviews from the regional coordinators as well as separate data collected from Los Angeles and Orange Counties. These two counties do not currently utilize CIDCS. Eight counties were not able to provide data for the study.

Findings showed that the use of interpreters in the courts is increasing and the major language employed is Spanish. Other designated languages in order of greatest usage are

Vietnamese, Korean, Armenian, Mandarin, Cantonese, Russian, Tagalog, Arabic, Japanese, and Portuguese. Punjabi and Khmer (Cambodian) are newly designated languages (certification exams for both will be developed in the near future). The most used nondesignated languages are Hmong-Mien, Farsi, Lao, Hindi, Ilocano, Tongan, Romanian, and Samoan. The county of Los Angeles court has the most usage of these languages and court interpreter service days. Mr. Hedderson relayed that the study also looked at the use of indigenous languages, which are not employed in numerically large numbers in California courts, but are a challenge to provide for. The two most widely used indigenous languages are Hmong-Mien and Ilocano.

Justice O'Leary directed CIP staff to review the study and present staff recommendations to CIAP upon completion of the review.

IV. Reports from Working Groups

A. ASL

Ms. Susan Eadie reported that the standards of the Registry of Interpreters for the Deaf (RID) and California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH), which the Judicial Council approved to certify American Sign Language (ASL) interpreters to work in the courts, has not been reviewed for five years. She added that the ASL working group is starting the biennial review process and is using documentation produced by RID in the previous review to help prepare. Ms. Eadie stated that the ASL working group is in the process of developing procedures to compare RID and CCASDHH to determine if they still meet the original qualifications and requirements set by the Judicial Council seven years ago.

Ms. Eadie reported that there are some conflicts between the government codes, rules of courts, and evidence codes regarding certified court interpreters. She indicated that sign language interpreters are specifically excluded from a lot of the government codes due to Evidence Code 754. Furthermore, the law that establishes ASL interpreters, differentiated sign language interpreters from spoken word interpreters. Ms. Eadie reported on the research of Ms. Eraina Ortega of the Office of Governmental Affairs, indicating that because there is neither a voting member on the panel who is an ASL interpreter nor a provision for it, there needs to be a legislative change. Ms. Eadie also identified other legislative changes that may be necessary, such as the inclusion of ASL interpreters in the Language Need and Interpreter Use Study, Senate Bill 371, continuing education requirements, and the ethics workshops. Ms. Eadie asked that the panel review the abovementioned legislative changes and make recommendations at a later date.

B. Education Subcommittee

Ms. Arasé reported that the Education Working Group has met five times by teleconference since the prior CIAP meeting and related the five subject matters that encompass the tasks of the working group; they are as follows: (1) reviewing continuing education applications, a time sensitive and time consuming task; (2) collaborating with

higher education institutions, including making suggestions to overcome the technical barriers that limit interpreter training programs; (3) conferring on distance learning matters; (4) suggesting and devising minor changes in the refresher course; and (5) conferring with staff on changes to the written and oral portions of the certified exams. Ms. Arasé asked that staff formally submit those changes to the Judicial Council.

In accordance with the Short-Term Response Plan to improve public trust and confidence in the courts and regarding a fair and accurate process for testing standards and procedures, Ms. Arasé asked the panel to consider several facts regarding languages other than Spanish (OTS), particularly Mandarin and Cantonese. Ms. Arasé stated that (1) though Mandarin and Cantonese are distinct oral languages, Cooperative Personnel Services (CPS) uses native Cantonese raters to evaluate the Mandarin exam; (2) a previous Judicial Council policy stated that no interpreters of newly certified languages were to be grandfathered, in but Cantonese speakers were made exempt from taking the written portion of the exam; and (3) because the pool among OTS raters is so small, it inevitably leads to raters knowing who they are rating, a possible conflict of interest. Ms. Arasé also reported three vacancies in the Education Working Group.

C. Discipline & Ethics

Mr. Mark Arnold reported on the Ethics Manual on behalf of the Discipline & Ethics Working Group. Mr. Arnold stated that at the time the manual was drafted most of the court interpreters were independent contractors but with the new labor agreements a new manual should be reviewed and drafted. He suggested that the manual now focus more specifically on the court ethical standards of professional certification and conduct, rather than examining the standards of work performance, and hopes to complete this revision by September. Mr. Arnold also discussed which factors could affect the new rules of the manual. He reported one vacancy in the Discipline & Ethics Working Group.

D. Public Trust & Confidence

Judge Susan Breall reported that the Public Trust & Confidence Working Group was developed as a result of the public trust and confidence survey with the goal of expanding services to non-English speaking court users and to form short-term strategies that could take place within the next 12 to 18 months. Judge Breall relayed that they focused particularly on improving the number and quality of interpreters in the courts and began the meeting by reviewing the public trust and confidence surveys. She reported that 31 % of the people who took the survey were immigrants, mostly from Mexico, and that thereafter respondents of the survey were from China and Guatemala.

Judge Breall reported that the working group did focus on improving access to the justice system and came up with six goals: (1) to review and develop standards and clear protocols to ensure that the certified language examinations are accurate measures of an individual's competency in performing courtroom interpretation and to ensure that the rating process is fair and accurate; (2) to try to increase the interpreter recruitment and establish a permanent recruitment campaign; (3) to identify barriers preventing

noncertified and nonregistered interpreters from becoming certified and registered; (4) to develop and recommend a policy to the Judicial Council to prioritize the expansion of court interpreter services in other case types (i.e., civil cases); (5) to collaborate with institutions of higher learning; and (6) to study and make recommendations on the technical and fiscal feasibility of telephonic interpreting. She stated that some of these goals are proposed, while others are currently being undertaken. Judge Breall reported one vacancy in the Public Trust & Confidence Working Group.

V. Afternoon Session Closed to the Public

VI. Next CIAP Meeting

The next CIAP meeting will take place in Burbank on September 26.

VII. Adjournment

The meeting was adjourned at 2:55 p.m.